IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 973 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJ. STATE ROAD TRANSPORT CORPN. - Appellant(s)
Versus
KANAKRAY KANTILAL PANDYA & 3 - Defendant(s)

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Appearance :
MS JYOTI MEHTA ON BEHALF OF MR HARDIK C RAWAL for Appellant(s) : 1,
NONE FOR THE RESPONDENTS though served.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 15/06/2007

ORAL JUDGMENT

1. Ms.Jyoti Mehta, learned counsel for the appellant. None for the respondents though served.
2. Gujarat State Road Transport Corporation, being aggrieved by the Judgement and Award dtd.7/2/1989 passed by the

Motor Accident Claims Tribunal (Main), Rajkot in Motor Accident Claim Petition No.539 of 1984, is before this Court with a submission that the tribunal erred in awarding a sum of Rs.82,000=00, it, however, seeks deduction of Rs.30,000=00 from the amount already awarded in favour of the respondents / claimants.

3. As the accident and liability are not in dispute, this Court is not required to refer to the facts.

4. The only question for consideration would be whether the tribunal was justified in awarding a sum of Rs.72,000=00 towards future loss and compensation and Rs.10,000=00 towards loss of expectation of life, loss of amenities and loss of company.

5. So far as award of Rs.10,000=00 towards expectation of life and loss of company etc. are concerned, this Court is not required to interfere in the said amount of compensation, because, it is customary to award Rs.10,000 in favour of the dependents / parents, when a bread winner or a child dies.

6. So far as the loss of the income is concerned, the learned tribunal had found that the young boy of nine years if could not become an engineer or Doctor, or could not achieve extra height, at least he could have become Clerk like his father and could have earned a sum of Rs.2000=00 and could provide a sum of Rs.400=00 to the parents.

7. Ordinarily, parents are entitled to 1/3rd of the salary / income

of the deceased, but in this case, the tribunal has awarded only 1/5th of the expected salary / income. The tribunal has rightly, in the opinion of this Court assessed yearly loss at Rs.4800=00 and did not err in applying multiplier of 15 in view of age of the parents / claimants.

8. Taking into consideration the totality of the circumstances and for the reasons given by the learned tribunal, I am of the opinion that the tribunal did not err in awarding the compensation.

9. There is no scope for interference. The appeal deserves to and is accordingly dismissed. Interim relief, if any, is vacated. No costs.

(R.S. GARG, J.)

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